

BUTTERWORTHS'
Ten Years' Digest
OF
REPORTED CASES,

1898 TO 1907.

A DIGEST OF REPORTED CASES DECIDED IN THE SUPREME
AND OTHER COURTS DURING THE YEARS 1898 TO 1907,

INCLUDING

A COPIOUS SELECTION OF REPORTED CASES DECIDED IN THE IRISH
AND SCOTCH COURTS, WITH LISTS OF CASES DIGESTED,
OVERRULED, CONSIDERED, ETC.

ISSUED UNDER THE GENERAL EDITORSHIP OF

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VOL. IV.

WORDS, TERMS, AND PHRASES.

CASES AFFIRMED, REVERSED, ETC.

TABLE OF CASES DIGESTED.

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Hall, In re; Nolan v. O'Brien (1880) distinguished. <i>In re Wasdale; Brittin v. Partridge</i>	ii. 1247
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Hall v. Hurt (1861) followed. <i>Blackburne v. Hope Edwards</i>	iii. 282
Hall v. Michelmore [1901] distinguished. <i>Pearce v. Merriman</i>	i. 1138
Hall v. Richardson approved. <i>Roper v. Knott</i> [1898]	i. 831
Hall v. Snowden, Hubbard & Co. [1899] overruled. <i>Raine v. Jobson</i>	ii. 751
— disapproved. <i>Strain v. Sloan & Co.</i>	ii. 756
— is no longer law. <i>Barrett v. Kemp Brothers</i>	ii. 758
Hall v. Wright (1860) commented on. <i>Liddell v. Euston's Trustees</i>	ii. 142, 649
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Hallett's Estate, In re (1880) considered. <i>The Wilsons and Furness-Leyland Line, Ltd. v. British and Continental Shipping Co., Ltd. and Others</i>	i. 20
Hallett v. Hallett (1898) reversed	iii. 1100
Halliday, Re , followed. <i>In re Tissymann's Trusts</i> [1898]	iii. 443
Hallyburton, In the goods of (1866) explained. <i>In the goods of Vannini</i>	i. 1207
Halsey v. Brotherhood (1881) followed. <i>Ripley v. Arthur & Co.</i>	iii. 942
Haly v. Barry (1868) commented on. <i>Stewart v. Rhodes</i>	iii. 77
Hambro & Son v. Burnand and Others [1903] reversed	i. 24
Hambro & Sons v. Burnand and Others [1904] affirmed	ii. 311
Hamilton (Duke of) v. Allan's Trustees (1878) approved. <i>Howe (Earl of) v. Lord Belhaven</i>	iii. 424

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<i>Batten Pooll v. Kennedy</i> . . . ii. 950	Hand v. Blow (1900) affirmed . . . i. 389
Hamilton v. Hamilton [1892] commented on.	Handmann and Wilcox's Contract, In re,
<i>Haynes v. Foster</i> iii. 1143	[1902] followed.
Hamilton v. Pandorf [1887] discussed.	<i>In re Douglas and Powell's Contract</i>
<i>The Torbryan</i> iii. 571	iii. 1021
Hamilton, Young & Co., In re; Ex parte	Hankey, In re [1899] overruled.
<i>Carter</i> [1905] affirmed . . . i. 265	<i>In re Samson; Robbins v. Alexander</i>
Hamlyn v. Houston & Co. (1902) affirmed	i. 1236
ii. 1075	Hannan's King (Browning) Gold Mine Co.,
Hamlyn & Co. v. Talisker Distillery [1894]	Ld. (1898) affirmed i. 497
followed.	Hansen v. Harrold Bros. [1894] followed.
<i>Spurrier v. La Cloche</i> i. 635	<i>Turner and Another v. Haji Goolam</i>
Hamlyn v. Wood [1891] applied.	<i>Mahomed Azam</i> iii. 600
<i>Royal Aquarium and Summer and</i>	Hanson v. Graham (1801) followed.
<i>Winter Garden Society, Ld., In re</i>	<i>In re Gossling; Gossling v. Elcock</i>
i. 540	iii. 1190
Hammersmith and City Ry. Co. v. Brand	Hanson and Another v. Corporation of the
(1869) followed.	<i>Village of Grandmère</i> affirmed i. 977
<i>Canadian Pacific Ry. v. Roy</i> . . . i. 979	Hanworth v. Williams (1903) not followed.
— distinguished.	<i>Moore v. Lewis</i> iii. 286
<i>Fletcher v. Birkenhead Corporation</i> iii. 1055	Harburg India Rubber Comb Co. v. Martin
Hammersmith Vestry v. Lowenfeld [1896]	[1902] reversed ii. 45
overruled.	Harding v. Queensland Stamp Commissioners
<i>Blackburn Corporation v. Sanderson</i> ii. 123	[1898] distinguished.
Hammond & Co. v. Bussey (1887) followed.	<i>In re Lovell and Collard's Contract</i> iii. 301
<i>Agius v. Great Western Colliery Co.</i> i. 869	Hardman v. Maffett (1884) followed.
— discussed.	<i>In re Dean's Trusts.</i> iii. 475
<i>Prince of Wales Dry Dock Co., Ld. v.</i>	Hardoon v. Belilios [1903] affirmed.
<i>Fownes Forge and Engineering Co.,</i>	<i>West v. Perpetual Trustee Co. Ld.</i> i. 363
<i>Ld.</i> iii. 1244	Hare v. Elms [1893] followed.
Hampshire Land Co. [1896] not cited.	<i>Humphreys v. Morten</i> ii. 498
<i>In re Fenwick, Stobart & Co., Ld.;</i>	Hargreaves (Joseph), Ld., In re, affirmed i. 585
<i>Deep Sea Fishery Co.'s (Ld.) Claim</i>	Hargreaves, Re; Hargreaves v. Hargreaves
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Hampstead Borough Council v. Midland	Harlock v. Ashberry (1882) explained.
<i>Ry. Co.</i> [1904] affirmed . . . ii. 925	<i>Bradshaw v. Widdrington</i> . . . ii. 999
Hampton v. Holman (1877) followed.	Harman v. Ainslie [1903] reversed . . ii. 464
<i>In re Rising; Rising v. Rising</i> . . iii. 8	Harman and Uxbridge and Rickmansworth
Hampton Urban District Council v. South-	<i>Ry. Co., In re</i> (1883) distinguished.
<i>wark and Vauxhall Water Co.</i>	<i>Blaiberg and Abrahams, In re</i> . . iii. 413
[1899] affirmed in part iii. 221	Harmonides, The [1903] applied.
Hanbury, In re; Hanbury v. Fisher (1904)	<i>The Hohenzollern</i> iii. 695
reversed <i>sub nom. Comiskey v. Bow-</i>	Harrington (Earl of) v. Derby Corporation
<i>ring-Hanbury</i> iii. 1213	[1905] distinguished.
Hanbury v. Jenkins [1901] followed.	<i>Hobart v. Southend-on-Sea Corporation</i>
<i>Duke of Beaufort v. Aird & Co.</i> . . i. 1294	i. 1301
Hance v. Harding (1888) followed.	Harris v. De Pinna (1886) considered.
<i>In re Parry; Ex parte Salaman</i> . . i. 234	<i>Clifford v. Holt</i> i. 1076
Hancock, In re [1896] applied.	— not followed.
<i>Foakes v. Jackson</i> iii. 22	<i>Kilgour v. Gaddes</i> i. 1071
Hancock v. Hancock (1888) applied.	
<i>Buckland v. Buckland</i> iii. 464	

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Harris v. Fiat Motors, Ltd. , reversed	ii. 834	Hartshorne v. Watson (1838) followed.	
Harris v. Flower & Son reversed on one point	i. 1961	<i>Blore v. Giuliani</i>	ii. 452
Harris v. May (1883) followed.		Harty v. Davis (1850) approved.	
<i>Watts v. Stevens</i>	i. 1328	<i>In re Lord Clifden; Annaly v. Agar Ellis</i>	ii. 1006
— dissented from.		Harvey v. Anning [1903] explained.	
<i>Elliot v. Pilcher</i>	i. 1327	<i>Reffell v. Morton</i>	i. 241
Harrison, In re (1886) followed.		Harvey v. Facey [1893] distinguished.	
<i>Tuafe v. Tuafe</i>	i. 1247	<i>Philp & Co. v. Knoblauch</i>	i. 687
Harrison, In re (1889) followed.		Harvest Home, The [1904] varied	iii. 675
<i>In re Perkins; Brown v. Perkins</i>	iii. 498	Hasluck v. Clark [1899] affirmed	i. 1183
Harrison, In re; Ex parte Whinney , reversed	i. 235	Hastie, In re (1887) followed.	
Harrison v. Anderston Foundry Co. (1876) followed.		<i>In re Loveland; Loveland v. Loveland</i>	iii. 1113
<i>Kynoch & Co., Ltd. v. Webb</i>	ii. 1124	Hastings, In re [1902] followed.	
Harrison v. Bush (1856) remarked on.		<i>In re H. E. Pollard; Ex parte S. R. Pollard</i>	i. 185
<i>Brown v. Houston</i>	ii. 528	Hastings (Lord) v. North Eastern Ry. Co. [1899] affirmed	i. 918
Harrison v. Duke of Rutland [1893] followed.		Hatch v. Hatch (1804) approved and followed.	
<i>Richman v. Maisey</i>	ii. 60	<i>Wright v. Carter</i>	iii. 743
Harrison v. Oceanic Steam Navigation Co., Ltd. [1907] followed.		Hatch, Mansfield & Co. v. Weingott [1905] followed.	
<i>Handford v. Geo. Clark & Co.</i>	ii. 750	<i>Assicurazioni Generali de Trieste v. Empress Assurance Corporation, Ltd.</i>	ii. 364
Harrison v. Southwark and Vauxhall Water Co. [1891] distinguished.		Haversham Grange, The [1905] varied	iii. 679
<i>Colwell v. St. Paneras Vestry; Knight v. Isle of Wight Electric Co.</i>	ii. 1058, 1063	Hawke v. Dunn (1897) approved.	
Harrogate Corporation v. Dickinson (1903) considered.		<i>R. v. Humphreys</i> [1898]	i. 22
<i>White v. Sunderland Corporation</i>	ii. 624	— overruled.	
— affirmed.	ii. 624	<i>Powell v. Kempton Park Racecourse Co.</i>	ii. 24
Harrop v. Harrop [1899] followed.		Hawthorn Corporation v. Kannaluik affirmed	iii. 540
<i>Love v. Lowe</i>	ii. 216	Hayercraft Gold Reduction and Mining Co. <i>In re</i> [1900] approved.	
Harse v. Pearl Life Assurance Co., Ltd. [1903] reversed	ii. 314	<i>In re National Distribution of Electricity Co., Ltd.</i>	i. 516, 558
Hart & Co. v. Michael [1902] affirmed	iii. 799	— followed.	
Hartfield v. Rotherfield (1832) applied and followed.		<i>In re State of Wyoming Syndicate</i>	i. 516
<i>West Ham Union v. Poplar Union</i>	ii. 1248	— discussed.	
Hartley, In re [1891] discussed and explained.		<i>Transport, Ltd. v. Schonberg</i>	i. 421
<i>Jamaica Ry. Co. v. Colonial Bank</i>	iii. 28	Hayes, In re; Turnbull v. Hayes [1900] affirmed	iii. 13, 1229
Hartley v. Ponsonby (1857) approved.		Hayles v. Sandown Urban District Council [1903] explained.	
<i>Hopkins v. McBride</i>	iii. 557	<i>Pearse v. Maidenhead Corporation</i>	ii. 125
Hartnell v. Ryde Commissioners (1863) distinguished.		Haynes, In re (1887) followed.	
<i>Maguire v. Liverpool Corporation</i>	ii. 63	<i>In re Trenchard; Trenchard v. Trenchard</i>	iii. 360
Harton v. Harton (1798) distinguished.			
<i>In re Adams and Perry's Contract</i>	iii. 1224		

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Haynes v. Doman [1899] followed.		Henley, In re (1896) not followed.	
<i>Hood and Moor's Stores, Ltd. v. Jones</i>	iii. 834	<i>In re Whitaker; Whitaker v. Palmer</i>	i. 1232
Hazeldine's Trusts, In re [1907] reversed	ii. 996	Hennan & Co. v. Duckworth (1904) followed.	
Head's Trustees and Macdonald, In re		<i>Seymour v. Pickett</i>	ii. 851
(1890) distinguished.		Hennessy & Co. v. Dompé (1903) varied.	iii. 923
<i>In re Baker and Salmon's Contract</i>	iii. 399	Henry, In re [1907] not followed.	
Heath v. Rollason [1898] affirmed	iii. 913	<i>In re Perkins; Brown v. Perkins</i>	iii. 498
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cussed.		<i>Fenton v. J. Thorley & Co., Ltd.</i>	ii. 683
<i>Bingley Urban District Council v.</i>		Henthorn v. Fraser [1892] applied.	
<i>Ferrand</i>	ii. 84	<i>Bruce v. Moore</i>	i. 687
Heather Bell, The [1901] affirmed	iii. 551	Henty v. Schröder (1879) followed.	
Heaven v. Pender (1884) discussed.		<i>Jeffery v. Stewart</i>	iii. 400
<i>Earl v. Lubbock</i>	ii. 831	Henwood v. Harrison (1872) followed.	
<i>Traill v. Actieselskabet Dalbeattie, Ltd.</i>	ii. 1043	<i>McQuire v. Western Morning News Co., Ltd.</i>	ii. 525
— distinguished.		Herbert v. McQuade [1901] reversed	ii. 244
<i>Caledonian Ry. Co. v. Mulholland</i>		Herbert v. Sayer (1844) applied.	
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<i>Hill v. Hickin</i> (1897)	ii. 1069	Herbert v. Webster (1880) followed.	
Heckscher v. Crosley [1891] followed.		<i>Re Millward; Steedman v. Hobday</i>	iii. 1210
<i>Rickaby v. Rickaby</i>	ii. 177	<i>In re Ferneley's Trusts</i>	iii. 1201
— rule in, no longer binding.		<i>In re Game; Game v. Tenant</i>	ii. 1216
<i>Wightwick v. Pope</i>	iii. 99	Herbert Morris and Bastert, Ltd. v. Lough-	
Hedges v. Preston (1899) explained.		borough Corporation reversed	i. 1153
<i>In re Saumarez; Ex parte Salaman</i>	i. 147	Herdman v. Wheeler [1902] discussed.	
Hedley v. Webb [1901] considered.		<i>Lloyds' Bank Ltd. v. Cooke</i>	i. 254
<i>Humphery v. Young</i>	iii. 518	Hereford and South Wales Wagon and Engineer-	
Helsby, In re [1894] followed.		ing Co., In re (1877) explained.	
<i>In re Coles and Ruenshear</i>	iii. 101	<i>In re The English and Colonial Produce Co.</i>	i. 380
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Hemsworth Rural District Council v.		Hertfordshire County Council v. Barnet	
Micklethwaite [1904] reversed	ii. 88	Rural District Council (1901)	
Henderson v. Astwood [1894] followed.		affirmed	ii. 100
<i>Deverges v. Sandeman, Clarke & Co.</i>	ii. 1029	Hetling and Merton's Contract, In re [1893]	
Henderson v. Underwriting and Agency		applied.	
Association [1891] followed.		<i>In re Pelley and Jacob's Contract</i>	iii. 355
<i>Village Main Reef Gold Mining Co. v.</i>		Hewett v. Foster (1844) not followed.	
<i>Stearns</i>	ii. 352	<i>In re Skinner, Cooper and Skinner</i>	i. 1259
— doubted.		Hewitt v. Kaye (1868) followed.	
<i>Harding v. Bussell</i>	i. 1039	<i>In re Beaumont; Beaumont v. Ewbank</i>	ii. 36
Hendy v. Stephenson (1808) not followed.		Hext v. Gill (1872) not applied.	
<i>Palmer v. Guadagni</i>	ii. 1228	<i>Great Western Ry. Co. v. Blades</i>	ii. 951

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Hext v. Gill explained.		Hoare, Re; Hoare v. Owen [1891] ap- proved.	
<i>Johnstone v. Crompton & Co.</i> . . . ii.	951	<i>Preston and Others v. Tunbridge Wells Opera House, Ltd. and Another</i> ii.	1018
Hibernian, The; Tasker & Co. v. Allen Bros. & Co. (1897) affirmed . . . iii.	622	Hoare & Co., Ltd. v. Lewisham Borough (1901) affirmed . . . ii.	932
Higgins and Percival, In re (1888) fol- lowed.		Hobbs v. Dance (1873) explained.	
<i>In re Walker and Oakshott's Contract</i> iii.	373	<i>Redruth Brewery Co. v. Redruth Urban District Council</i> . . . ii.	633
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<i>Thomas v. Smith</i> ii.	8	<i>Boyce v. White</i> i.	1123
Highworth and Swindon Union v. West- bury-on-Severn Union (1890) fol- lowed.		Hobbs v. Turner (1901) affirmed . . . i.	290
<i>West Ham Union v. Holbeach Union</i> ii.	1249	Hobson's Trusts, In re (1878) followed.	
Hignett and Bird's Contract, In re [1902] affirmed iii.	382	<i>In re Lord Mayor of Sheffield and St. William's Chapel and Schools</i> i.	625
Hilbers v. Parkinson (1883) approved and followed.		— not overruled.	
<i>In re Dunsany's Settlement; Nott v. Dunsany</i> iii.	473	<i>In re Morgan; Smith v. May</i> . . . ii.	1067
Hildesheimer v. Faulkner (W. & F.), Ltd. [1901] followed.		Hobson v. Gorringe [1897] approved.	
<i>Nichols v. Parker and Another</i> . . . i.	720	<i>Reynolds v. Ashby & Son, Ltd.</i> . . . ii.	990
— (1900) reversed i.	723	— distinguished.	
Hill, Re (1870) distinguished.		<i>In re Allen & Sons</i> ii.	1011
<i>Slade v. Chaine</i> iii.	1002	— followed.	
Hill, In re; Hill v. Hill [1902] affirmed iii.	1183	<i>Crossley Bros., Ltd. v. Lee</i> i.	1050
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<i>In re Du Bochet; Mansell v. Allen</i> iii.	1115	Hochester v. De la Tour (1853) referred to.	
— applied.		<i>Rhymney Ry. Co. v. Brecon and Merthyr Tydfil Junction Ry. Co.</i> i.	666
<i>In re Corsellis; Freeborn v. Napper</i> iii.	1135	Hocking, In re; Mitchell v. Loe [1898] affirmed iii.	1177
Hill & Co. v. Dalgety & Co. [1898] reversed i.	932	Hoddinott v. Newton, Chambers & Co. [1901] applied.	
Hill v. Hair [1895] overruled.		<i>Elcin v. Woodward & Co.</i> ii.	743
<i>Haedicke v. Friern Barnet Urban Dis- trict Council; Thompson v. Eccles Corporation</i> iii.	520	— referred to.	
Hill v. Pannifer [1904] overruled.		<i>Dredge v. Conway, Jones & Co.</i> . . . ii.	735
<i>Coster and Another v. Headland</i> iii.	255	— [1899] reversed ii.	740
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<i>Dick v. Ellam's Duplicator Co.</i> . . . ii.	1904	<i>Rawlinson v. Scholes</i> (1898) . . . i.	1234
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Hirth, In re; Ex parte Trustee [1899] reversed i.	126	<i>In re Hobbins; Ex parte Official Receiver</i> i.	150
		Hogarth v. Walker [1899] affirmed . . . ii.	333
		Holborn Union Guardians v. Chertsey Union Guardians followed.	
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Burdon v. Gregson & Co. (1906)	ii. 810	Hope v. D'Hedouville [1893] applied.	
— [1904] reversed	ii. 809	<i>In re Searle</i> ; <i>Searle v. Baker</i>	iii. 481
Hole, <i>Re</i> ; Davies v. Witts [1905] affirmed	ii. 644	Hope v. Walter [1899] reversed in part and affirmed in part	iii. 784
Holland, <i>In re</i> ; Gregg v. Holland [1901] reversed	i. 1344	Hopkins, <i>In re</i> ; <i>Ex parte</i> De Stedineck (1902) reversed	i. 180
Holland v. Kensington Vestry (1867) followed.		Hopkins v. Great Northern Ry. Co. (1877) followed.	
<i>Driscoll v. Buttersea Corporation</i>	ii. 924	<i>Dibden v. Skirrow</i>	i. 1289
Holland v. Lazarus [1897] approved.		Hopkins v. Phillips followed.	
<i>Silles v. Fulham Borough Council</i>	ii. 888	<i>Re Vere</i> ; <i>Carter v. Brown</i>	i. 344
Holliday v. National Telephone Co. [1899] reversed	ii. 1039	Hopkinson v. Rolt (1861) applied.	
Hollingshead, <i>In re</i> (1888) followed.		<i>West v. Williams</i>	ii. 995
<i>In re Chant</i> , <i>Bird v. Godfrey</i>	ii. 554	Hopper, <i>The</i> , affirmed	iii. 682
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<i>Winter v. Bancks and Another</i>	iii. 972	<i>Arnot v. United African Lands, Ld.</i>	i. 451
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Holman v. Loynes (1854) followed.		Horncastle v. Equitable Life Assurance Society affirmed	i. 1172
<i>Wright v. Carter</i>	iii. 743	Horner v. Franklin [1905] followed.	
Holme v. Brunskill followed.		<i>Stuckey and Others v. Hooke</i>	i. 1286
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